UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, ex rel. CHRISTOPHER R. GOBBLE,) Civil Action No. 03-10395-NMG)
Plaintiff,))
vs.))
FOREST LABORATORIES, INC. and FOREST PHARMACEUTICALS, INC.,)))
Defendants.))
)

DEFENDANTS' MOTION TO DISMISS COUNT FOUR OF THE FOURTH AMENDMENT TO COMPLAINT BY RESTATEMENT

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants Forest Laboratories, Inc. and Forest Pharmaceuticals, Inc. (collectively, the "Defendants") hereby move to dismiss Count Four of the Fourth Amendment to Complaint by Restatement, in which plaintiff Christopher R. Gobble asserts a claim of retaliatory termination in violation of the False Claims Act, 31 U.S.C. § 3730(h). As grounds for this motion, Defendants rely on and incorporate fully herein their Memorandum of Law in Support of Motion to Dismiss, submitted herewith.

WHEREFORE, Defendants respectfully request that the Court dismiss, with prejudice, Count Four of the Fourth Amendment to Complaint by Restatement.

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), undersigned counsel states that they have conferred with counsel for Christopher R. Gobble and attempted in good faith to resolve or narrow the issues presented in this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Defendants hereby request that the Court set a hearing and hear oral argument on Defendants' motion to dismiss.

DATED: February 8, 2010

Respectfully submitted,

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Jyotin Hamid, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 8, 2010.

/<u>s/ Jyotin Hamid</u> Jyotin Hamid